

AMENDED IN ASSEMBLY JULY 11, 2005

AMENDED IN ASSEMBLY JUNE 27, 2005

AMENDED IN ASSEMBLY JUNE 14, 2005

AMENDED IN SENATE APRIL 19, 2005

**SENATE BILL**

**No. 389**

**Introduced by Senator Morrow**

February 17, 2005

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An act to add Section 13083 to the Financial Code, relating to automated teller machines.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as amended, Morrow. Automated teller machine fees.

Existing law prohibits an operator of an automated teller machine from imposing a surcharge upon a customer unless the surcharge is disclosed to the customer.

This bill would provide that an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator *or owner* of the automated teller machine to charge a customer conducting a transaction using an account from a financial institution that is located outside the United States an access fee or surcharge.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13083 is added to the Financial Code,  
2 to read:

1 13083. (a) Subject to the requirements of Section 13080, an  
2 agreement to operate or share an automated teller machine may  
3 not prohibit, limit, or restrict the right of the operator *or owner* of  
4 the automated teller machine to charge a customer conducting a  
5 transaction using an account from a financial institution that is  
6 located outside the United States an access fee or surcharge not  
7 otherwise prohibited under state or federal law.

8 (b) Notwithstanding subdivision (a), nothing in this section  
9 shall be construed to prohibit or otherwise limit the ability of an  
10 operator *or owner* of an automated teller machine to voluntarily  
11 enter into an agreement regarding participation in a surcharge  
12 free network.

13 (c) For ~~purpose~~ *purposes* of this section, the terms “operator”  
14 and “automated teller machine” have the meanings set forth in  
15 Section 13020.

16 (d) *For the purposes of this section, the term “owner” means*  
17 *any entity that is not an operator under Section 13020, but that*  
18 *owns an automated teller machine.*